

**[J-13A-D-2005]  
IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

M. DIANE KOKEN, INSURANCE : No. 204 MAP 2003  
COMMISSIONER OF THE :  
COMMONWEALTH OF PENNSYLVANIA, : Appeal from the Order of Commonwealth  
: Court entered 6-26-2003 at No. 182 MD  
: 2002.

v.

VILLANOVA INSURANCE COMPANY,

MUTUAL RISK MANAGEMENT, LTD.  
(MRM), PSYCHIATRISTS' PURCHASING  
GROUP, INC., AMERICAN AIRLINES,  
INC., PULTE HOMES, INC., METRO  
ATLANTIC LANDSCAPE AND TURF  
ASSOCIATION (MALTA), FLORIDA  
WORKERS COMPENSATION  
GUARANTY ASSOCIATION, LLOYD'S  
SYNDICATE 271, FLORIDA INSURANCE  
GUARANTY ASSOCIATION,

Intervenors

APPEAL OF: M. DIANE KOKEN,  
INSURANCE COMMISSIONER OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
IN HER CAPACITY AS REHABILITATOR  
FOR VILLANOVA INSURANCE  
COMPANY (IN REHABILITATION)

M. DIANE KOKEN, INSURANCE : No. 212 MAP 2003  
COMMISSIONER OF THE :  
COMMONWEALTH OF PENNSYLVANIA, : Appeal from the Order of Commonwealth  
: Court entered 7-25-2003 at No. 182 MD  
: 2002.

: ARGUED: March 8, 2005

v.

VILLANOVA INSURANCE COMPANY,

MUTUAL RISK MANAGEMENT, LTD.  
(MRM), PSYCHIATRISTS' PURCHASING  
GROUP, INC., AMERICAN AIRLINES,  
INC., PULTE HOMES, INC., METRO  
ATLANTIC LANDSCAPE AND TURF  
ASSOCIATION (MALTA), FLORIDA  
WORKERS COMPENSATION  
GUARANTY ASSOCIATION, LLOYD'S  
SYNDICATE 271, FLORIDA INSURANCE  
GUARANTY ASSOCIATION,

Intervenors

APPEAL OF: M. DIANE KOKEN,  
INSURANCE COMMISSIONER OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
IN HER CAPACITY AS STATUTORY  
LIQUIDATOR FOR VILLANOVA  
INSURANCE COMPANY

M. DIANE KOKEN, INSURANCE  
COMMISSIONER, COMMONWEALTH  
OF PENNSYLVANIA,

: Appeal from the Order of Commonwealth  
: Court entered 6-26-2003 at No. 183 MD  
: 2002.

: ARGUED: March 8, 2005

V.

LEGION INSURANCE COMPANY,

**BENSALEM TOWNSHIP, FLORIDA  
WORKERS COMPENSATION  
INSURANCE GUARANTY  
ASSOCIATION, PSYCHIATRISTS'  
PURCHASING GROUP, INC., PULTE  
HOMES, INC., AMERICAN AIRLINES,  
INC., RURAL/METRO CORPORATION,  
DANIEL ELROD, SHIRLEY ELROD,  
METRO ATLANTA LANDSCAPE AND  
TURF ASSOCIATION (MALTA), KERRY  
KESSLER, ATWOOD OCEANICS, INC.,  
MUTUAL RISK MANAGEMENT, LTD.  
(MRM), JOSEPH MCINTYRE,  
RANDSTAD NORTH AMERICA, L.P.,  
FLORIDA INSURANCE GUARANTY  
ASSOCIATION,**

## Intervenors

APPEAL OF: M. DIANE KOKEN,  
INSURANCE COMMISSIONER OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
IN HER CAPACITY AS REHABILITATOR  
FOR LEGION INSURANCE COMPANY  
(IN REHABILITATION)

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M. DIANE KOKEN, INSURANCE  
COMMISSIONER, COMMONWEALTH  
OF PENNSYLVANIA,

: No. 211 MAP 2003  
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: Appeal from the Order of Commonwealth  
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: 2002.

**v.**

: ARGUED: March 8, 2005

LEGION INSURANCE COMPANY,

BENSALEM TOWNSHIP, FLORIDA  
WORKERS COMPENSATION  
INSURANCE GUARANTY  
ASSOCIATION, PSYCHIATRISTS'  
PURCHASING GROUP, INC., PULTE  
HOMES, INC., AMERICAN AIRLINES,  
INC., RURAL/METRO CORPORATION,  
DANIEL ELROD, SHIRLEY ELROD,  
METRO ATLANTA LANDSCAPE AND  
TURF ASSOCIATION (MALTA), KERRY  
KESSLER, ATWOOD OCEANICS, INC.,  
MUTUAL RISK MANAGEMENT, LTD.  
(MRM), JOSEPH MCINTYRE,  
RANDSTAD NORTH AMERICA, L.P.,  
FLORIDA INSURANCE GUARANTY  
ASSOCIATION.

## Intervenors

APPEAL OF: M. DIANE KOKEN,  
INSURANCE COMMISSIONER OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
IN HER OFFICIAL CAPACITY AS  
STATUTORY LIQUIDATOR  
("LIQUIDATOR") FOR LEGION  
INSURANCE COMPANY ("Legion")

**ORDER**

**PER CURIAM**

**DECIDED: July 19, 2005**

**AND NOW**, this 19th day of July, 2005, the order of the Commonwealth Court is hereby **AFFIRMED**, on the basis of the Commonwealth Court opinion, Koken v. Legion Ins. Co., 831 A.2d 1196 (Pa. Cmwlth. 2003).

Madame Justice Newman files a dissenting statement in which Mr. Justice Castille joins.